

1 5-30"; and

2 on page 13, immediately below line 22, by inserting the
3 following:

4 "ARTICLE 10

5 Section 10-1. Short title. This Article may be cited as
6 the Advanced Practice Registered Nurse Compact Act. In this
7 Article, any reference to this Act means this Article.

8 Section 10-5. Ratification and approval of compact. The
9 advanced practice registered nurse compact is hereby enacted
10 into law and entered into on behalf of this State with any
11 state that legally joins therein in substantially the
12 following form:

13 ARTICLE I

14 Findings and Declaration of Purpose

15 (a) The party states find that:

16 (1) The health and safety of the public are
17 affected by the degree of compliance with APRN
18 licensure/authority to practice requirements and the
19 effectiveness of enforcement activities related to state
20 APRN licensure/authority to practice laws;

21 (2) Violations of APRN licensure/authority to
22 practice and other laws regulating the practice of
23 nursing may result in injury or harm to the public;

24 (3) The expanded mobility of APRNs and the use of
25 advanced communication technologies as part of our
26 nation's health care delivery system require greater
27 coordination and cooperation among states in the areas of
28 APRN licensure/authority to practice and regulation;

29 (4) New practice modalities and technology make

1 compliance with individual state APRN licensure/authority
2 to practice laws difficult and complex;

3 (5) The current system of duplicative APRN
4 licensure/authority to practice for APRNs practicing in
5 multiple states is cumbersome and redundant to both APRNs
6 and states;

7 (6) Uniformity of APRN requirements throughout the
8 states promotes public safety and public health benefits;
9 and

10 (7) Access to APRN services increases the public's
11 access to health care, particularly in rural and
12 underserved areas.

13 (b) The general purposes of this Compact are to:

14 (1) Facilitate the states' responsibilities to
15 protect the public's health and safety;

16 (2) Ensure and encourage the cooperation of party
17 states in the areas of APRN licensure/authority to
18 practice and regulation including promotion of uniform
19 licensure requirements;

20 (3) Facilitate the exchange of information between
21 party states in the areas of APRN regulation,
22 investigation and adverse actions;

23 (4) Promote compliance with the laws governing APRN
24 practice in each jurisdiction; and

25 (5) Invest all party states with the authority to
26 hold an APRN accountable for meeting all state practice
27 laws in the state in which the patient is located at the
28 time care is rendered through the mutual recognition of
29 party state licenses.

30 ARTICLE II

31 Definitions

32 As used in this Compact:

33 (a) "Advanced Practice Registered Nurse" or "APRN" means

1 a Nurse Anesthetist; Nurse Practitioner; Nurse Midwife; or
2 Clinical Nurse Specialist to the extent a party state
3 licenses or grants authority to practice in that APRN role
4 and title.

5 (b) "Adverse Action" means a home or remote state
6 disciplinary action.

7 (c) "Alternative program" means a voluntary,
8 non-disciplinary monitoring program approved by a licensing
9 board.

10 (d) "APRN Licensure/Authority to Practice" means the
11 regulatory mechanism used by a party state to grant legal
12 authority to practice as an APRN.

13 (e) "APRN Uniform Licensure/Authority to Practice
14 Requirements" means those agreed upon minimum uniform
15 licensure, education and examination requirements adopted by
16 licensing boards for the recognized APRN role and title.

17 (f) "Coordinated licensure information system" means an
18 integrated process for collecting, storing and sharing
19 information on APRN licensure/authority to practice and
20 enforcement activities related to APRN licensure/authority to
21 practice laws, which is administered by a non-profit
22 organization composed of and controlled by state licensing
23 boards.

24 (g) "Current significant investigative information"
25 means:

26 (1) Investigative information that a licensing
27 board, after a preliminary inquiry that includes
28 notification and an opportunity for the APRN to respond
29 if required by state law, has reason to believe is not
30 groundless and, if proved true, would indicate more than
31 a minor infraction; or

32 (2) Investigative information that indicates that
33 the APRN represents an immediate threat to public health
34 and safety regardless of whether the APRN has been

1 notified and had an opportunity to respond.

2 (h) "Home state" means the party state that is the
3 APRN's primary state of residence.

4 (i) "Home state action" means any administrative, civil,
5 equitable or criminal action permitted by the home state's
6 laws which are imposed on an APRN by the home state's
7 licensing board or other authority including actions against
8 an individual's license/authority to practice such as:
9 revocation, suspension, probation or any other action which
10 affects an APRN's authorization to practice.

11 (j) "Licensing board" means a party state's regulatory
12 body responsible for issuing APRN licensure/authority to
13 practice.

14 (k) "Multistate advanced practice privilege" means
15 current, authority from a remote state permitting an APRN to
16 practice in that state in the same role and title as the APRN
17 is licensed/authorized to practice in the home state to the
18 extent that the remote state laws recognize such APRN role
19 and title. A remote state has the authority, in accordance
20 with existing state due process laws, to take actions against
21 the APRN's privilege, including revocation, suspension,
22 probation, or any other action that affects an APRN's
23 multistate privilege to practice.

24 (l) "Party state" means any state that has adopted this
25 Compact.

26 (m) "Prescriptive authority" means the legal authority
27 to prescribe medications and devices as defined by party
28 state laws.

29 (n) "Remote state" means a party state, other than the
30 home state,

31 (1) Where the patient is located at the time APRN
32 care is provided, or,

33 (2) In the case of APRN practice not involving a
34 patient, in such party state where the recipient of APRN

1 practice is located.

2 (o) "Remote state action" means

3 (1) Any administrative, civil, equitable or
4 criminal action permitted by a remote state's laws which
5 are imposed on an APRN by the remote state's licensing
6 board or other authority including actions against an
7 individual's multistate advanced practice privilege in
8 the remote state, and

9 (2) Cease and desist and other injunctive or
10 equitable orders issued by remote states or the licensing
11 boards thereof.

12 (p) "State" means a state, territory, or possession of
13 the United States.

14 (q) "State practice laws" means a party state's laws and
15 regulations that govern APRN practice, define the scope of
16 advanced nursing practice including prescriptive authority,
17 and create the methods and grounds for imposing discipline.
18 State practice laws do not include the requirements necessary
19 to obtain and retain APRN licensure/authority to practice as
20 an APRN, except for qualifications or requirements of the
21 home state.

22 (r) "Unencumbered" means that a state has no current
23 disciplinary action against an APRN's license/authority to
24 practice.

25 ARTICLE III

26 General Provisions and Jurisdiction

27 (a) All party states shall participate in the Nurse
28 Licensure Compact for registered nurses and licensed
29 practical/vocational nurses in order to enter into the APRN
30 Compact.

31 (b) No state shall enter the APRN Compact until the
32 state adopts, at a minimum, the APRN Uniform
33 Licensure/Authority to Practice Requirements for each APRN

1 role and title recognized by the state seeking to enter the
2 APRN Compact.

3 (c) APRN Licensure/Authority to practice issued by a
4 home state to a resident in that state will be recognized by
5 each party state as authorizing a multistate advanced
6 practice privilege to the extent that the role and title are
7 recognized by each party state. To obtain or retain APRN
8 licensure/authority to practice as an APRN, an applicant must
9 meet the home state's qualifications for authority or renewal
10 of authority as well as all other applicable state laws.

11 (d) The APRN multistate advanced practice privilege does
12 not include prescriptive authority, and does not affect any
13 requirements imposed by states to grant to an APRN initial
14 and continuing prescriptive authority according to state
15 practice laws. However, a party state may grant prescriptive
16 authority to an individual on the basis of a multistate
17 advanced practice privilege to the extent permitted by state
18 practice laws.

19 (e) A party state may, in accordance with state due
20 process laws, limit or revoke the multistate advanced
21 practice privilege in the party state and may take any other
22 necessary actions under the party state's applicable laws to
23 protect the health and safety of the party state's citizens.
24 If a party state takes action, the party state shall promptly
25 notify the administrator of the coordinated licensure
26 information system. The administrator of the coordinated
27 licensure information system shall promptly notify the home
28 state of any such actions by remote states.

29 (f) An APRN practicing in a party state must comply with
30 the state practice laws of the state in which the patient is
31 located at the time care is provided. The APRN practice
32 includes patient care and all advanced nursing practice
33 defined by the party state's practice laws. The APRN
34 practice will subject an APRN to the jurisdiction of the

1 licensing board, the courts, and the laws of the party state.

2 (g) Individuals not residing in a party state may apply
3 for APRN licensure/authority to practice as an APRN under the
4 laws of a party state. However, the authority to practice
5 granted to these individuals will not be recognized as
6 granting the privilege to practice as an APRN in any other
7 party state unless explicitly agreed to by that party state.

8 ARTICLE IV

9 Applications for APRN Licensure/Authority
10 to Practice in a Party State

11 (a) Once an application for APRN licensure/authority to
12 practice is submitted, a party state shall ascertain, through
13 the Coordinated Licensure Information System, whether:

14 (1) The applicant has held or is the holder of a
15 nursing license/authority to practice issued by another
16 state;

17 (2) The applicant has had a history of previous
18 disciplinary action by any state;

19 (3) An encumbrance exists on any license/authority
20 to practice; and

21 (4) Any other adverse action by any other state has
22 been taken against a license/authority to practice.

23 This information may be used in approving or denying an
24 application for APRN licensure/authority to practice.

25 (b) An APRN in a party state shall hold APRN
26 licensure/authority to practice in only one party state at a
27 time, issued by the home state.

28 (c) An APRN who intends to change primary state of
29 residence may apply for APRN licensure/authority to practice
30 in the new home state in advance of such change. However,
31 new licensure/authority to practice will not be issued by a
32 party state until after an APRN provides evidence of change
33 in primary state of residence satisfactory to the new home

1 state's licensing board.

2 (d) When an APRN changes primary state of residence by:

3 (1) Moving between two party states, and obtains
4 APRN licensure/authority to practice from the new home
5 state, the APRN licensure/authority to practice from the
6 former home state is no longer valid;

7 (2) Moving from a non-party state to a party state,
8 and obtains APRN licensure/authority to practice from the
9 new home state, the individual state license issued by
10 the nonparty state is not affected and will remain in
11 full force if so provided by the laws of the non-party
12 state;

13 (3) Moving from a party state to a non-party state,
14 the APRN licensure/authority to practice issued by the
15 prior home state converts to an individual state license,
16 valid only in the former home state, without the
17 multistate licensure privilege to practice in other party
18 states.

19 ARTICLE V

20 Adverse Actions

21 In addition to the General Provisions described in
22 Article III, the following provisions apply:

23 (a) The licensing board of a remote state shall promptly
24 report to the administrator of the coordinated licensure
25 information system any remote state actions including the
26 factual and legal basis for such action, if known. The
27 licensing board of a remote state shall also promptly report
28 any significant current investigative information yet to
29 result in a remote state action. The administrator of the
30 coordinated licensure information system shall promptly
31 notify the home state of any such reports.

32 (b) The licensing board of a party state shall have the
33 authority to complete any pending investigations for an APRN

1 who changes primary state of residence during the course of
2 such investigations. It shall also have the authority to take
3 appropriate action(s), and shall promptly report the
4 conclusions of such investigations to the administrator of
5 the coordinated licensure information system. The
6 administrator of the coordinated licensure information system
7 shall promptly notify the new home state of any such actions.

8 (c) A remote state may take adverse action affecting the
9 multistate advanced practice privilege to practice within
10 that party state. However, only the home state shall have the
11 power to impose adverse action against the APRN
12 licensure/authority to practice issued by the home state.

13 (d) For purposes of imposing adverse action, the
14 licensing board of the home state shall give the same
15 priority and effect to reported conduct received from a
16 remote state as it would if such conduct had occurred within
17 the home state. In so doing, it shall apply its own state
18 laws to determine appropriate action.

19 (e) The home state may take adverse action based on the
20 factual findings of the remote state, so long as each state
21 follows its own procedures for imposing such adverse action.

22 (f) Nothing in this Compact shall override a party
23 state's decision that participation in an alternative program
24 may be used in lieu of adverse action and that such
25 participation shall remain non-public if required by the
26 party state's laws. Party states must require APRNs who enter
27 any alternative programs to agree not to practice in any
28 other party state during the term of the alternative program
29 without prior authorization from such other party state.

30 (g) All home state licensing board disciplinary orders,
31 agreed or otherwise, which limit the scope of the APRN's
32 practice or require monitoring of the APRN as a condition of
33 the order shall include the requirements that the APRN will
34 limit her or his practice to the home state during the

1 pendency of the order. This requirement may allow the APRN to
2 practice in other party states with prior written
3 authorization from both the home state and party state
4 licensing boards.

5 ARTICLE VI

6 Additional Authorities Invested in Party State
7 Licensing Boards

8 Notwithstanding any other powers, party state licensing
9 boards shall have the authority to:

10 (a) If otherwise permitted by state law, recover from
11 the affected APRN the costs of investigations and disposition
12 of cases resulting from any adverse action taken against that
13 APRN;

14 (b) Issue subpoenas for both hearings and
15 investigations, which require the attendance and testimony of
16 witnesses, and the production of evidence. Subpoenas issued
17 by a licensing board in a party state for the attendance and
18 testimony of witnesses, and/or the production of evidence
19 from another party state, shall be enforced in the latter
20 state by any court of competent jurisdiction, according to
21 the practice and procedure of that court applicable to
22 subpoenas issued in proceedings pending before it. The
23 issuing authority shall pay any witness fees, travel
24 expenses, mileage and other fees required by the service
25 statutes of the state where the witnesses and/or evidence are
26 located;

27 (c) Issue cease and desist orders to limit or revoke an
28 APRN's privilege or licensure/authority to practice in their
29 state; and

30 (d) Promulgate uniform rules and regulations as provided
31 for in Article VIII(c).

32 ARTICLE VII

1 Coordinated Licensure Information System

2 (a) All party states shall participate in a cooperative
3 effort to create a coordinated database of all APRNs. This
4 system will include information on the APRN
5 licensure/authority to practice and disciplinary history of
6 each APRN, as contributed by party states, to assist in the
7 coordination of APRN licensure/authority to practice and
8 enforcement efforts.

9 (b) Notwithstanding any other provision of law, all
10 party states' licensing boards shall promptly report adverse
11 actions, actions against multistate advanced practice
12 privileges, any current significant investigative information
13 yet to result in adverse action, denials of applications, and
14 the reasons for such denials, to the coordinated licensure
15 information system.

16 (c) Current significant investigative information shall
17 be transmitted through the coordinated licensure information
18 system only to party state licensing boards.

19 (d) Notwithstanding any other provision of law, all
20 party states' licensing boards contributing information to
21 the coordinated licensure information system may designate
22 information that may not be shared with non-party states or
23 disclosed to other entities or individuals without the
24 express permission of the contributing state.

25 (e) Any personally identifiable information obtained by
26 a party states' licensing board from the coordinated
27 licensure information system may not be shared with non-party
28 states or disclosed to other entities or individuals except
29 to the extent permitted by the laws of the party state
30 contributing the information.

31 (f) Any information contributed to the coordinated
32 licensure information system that is subsequently required to
33 be expunged by the laws of the party state contributing that
34 information, shall also be expunged from the coordinated

1 licensure information system.

2 (g) The Compact administrators, acting jointly with each
3 other and in consultation with the administrator of the
4 coordinated licensure information system, shall formulate
5 necessary and proper procedures for the identification,
6 collection and exchange of information under this Compact.

7 ARTICLE VIII

8 Compact Administration and Interchange of Information

9 (a) The head of the licensing board, or his/her
10 designee, of each party state shall be the administrator of
11 this Compact for his/her state.

12 (b) The Compact administrator of each party state shall
13 furnish to the Compact administrator of each other party
14 state any information and documents including, but not
15 limited to, a uniform data set of investigations, identifying
16 information, licensure data, and disclosable alternative
17 program participation information to facilitate the
18 administration of this Compact.

19 (c) Compact administrators shall have the authority to
20 develop uniform rules to facilitate and coordinate
21 implementation of this Compact. These uniform rules shall be
22 adopted by party states, under the authority invested under
23 Article VI (d).

24 ARTICLE IX

25 Immunity

26 No party state or the officers or employees or agents of
27 a party state's licensing board who acts in accordance with
28 the provisions of this Compact shall be liable on account of
29 any act or omission in good faith while engaged in the
30 performance of their duties under this Compact. Good faith in
31 this article shall not include willful misconduct, gross

1 negligence, or recklessness.

2 ARTICLE X

3 Entry into Force, Withdrawal and Amendment

4 (a) This Compact shall enter into force and become
5 effective as to any state when it has been enacted into the
6 laws of that state. Any party state may withdraw from this
7 Compact by enacting a statute repealing the same, but no such
8 withdrawal shall take effect until six months after the
9 withdrawing state has given notice of the withdrawal to the
10 executive heads of all other party states.

11 (b) No withdrawal shall affect the validity or
12 applicability by the licensing boards of states remaining
13 party to the Compact of any report of adverse action
14 occurring prior to the withdrawal.

15 (c) Nothing contained in this Compact shall be construed
16 to invalidate or prevent any APRN licensure/authority to
17 practice agreement or other cooperative arrangement between a
18 party state and a non-party state that is made in accordance
19 with the other provisions of this Compact.

20 (d) This Compact may be amended by the party states. No
21 amendment to this Compact shall become effective and binding
22 upon the party states unless and until it is enacted into the
23 laws of all party states.

24 ARTICLE XI

25 Construction and Severability

26 (a) This Compact shall be liberally construed so as to
27 effectuate the purposes thereof. The provisions of this
28 Compact shall be severable and if any phrase, clause,
29 sentence or provision of this Compact is declared to be
30 contrary to the constitution of any party state or of the
31 United States or the applicability thereof to any government,

1 agency, person or circumstance is held invalid, the validity
2 of the remainder of this Compact and the applicability
3 thereof to any government, agency, person or circumstance
4 shall not be affected thereby. If this Compact shall be held
5 contrary to the constitution of any state party thereto, the
6 Compact shall remain in full force and effect as to the
7 remaining party states and in full force and effect as to the
8 party state affected as to all severable matters.

9 (b) In the event party states find a need for settling
10 disputes arising under this Compact:

11 (1) The party states may submit the issues in
12 dispute to an arbitration panel which will be comprised
13 of an individual appointed by the Compact administrator
14 in the home state; an individual appointed by the Compact
15 administrator in the remote state(s) involved; and an
16 individual mutually agreed upon by the Compact
17 administrators of all the party states involved in the
18 dispute.

19 (2) The decision of a majority of the arbitrators
20 shall be final and binding.

21 Section 10. Compact administrator; expenses.

22 (a) The Director of Professional Regulation shall serve
23 as the compact administrator for this State and any expenses
24 he or she incurs in so serving shall be paid from the
25 appropriation for the ordinary and contingent expenses of the
26 Department of Professional Regulation.

27 (b) The Director shall terminate Illinois' participation
28 in the compact if the APRN Uniform Licensure/Authority to
29 Practice Requirements are substantially changed after the
30 effective date of this Act. A substantial change is anything
31 that significantly alters the individual professional
32 qualifications for participation in the compact such as no
33 longer requiring either certification by a national

1 accreditation body in the APRN's specialty appropriate to
2 educational preparation or completion of a graduate level
3 APRN educational program accredited by a national
4 accreditation body. If the Director terminates Illinois'
5 participation in the compact, then the Director shall provide
6 all APRNs practicing in Illinois under the compact at the
7 time 60 days written notice of the termination.

8 (c) All APRNs practicing in Illinois under the compact
9 at the time of registration with the Department of
10 Professional Regulation shall be required to sign a notarized
11 statement of understanding and agreement to practice within
12 the scope of practice requirements for advanced practice
13 nurses in Illinois under the Nursing and Advanced Practice
14 Nursing Act. The Department shall prepare the form to be
15 used.

16 ARTICLE 90"; and

17 on page 13, line 23, by replacing "Section 90" with "Section
18 90-5"; and

19 on page 26, immediately below line 29, by inserting the
20 following:

21 "ARTICLE 99"; and

22 on page 26, line 30, by replacing "Section 99" with "Section
23 99-5".